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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------|------------------|
| 09/743,668  | 05/01/2001  | Robert Owen Bristow  | 29206-00030                 | 5802             |
| 7590  | 03/23/2005  |                      | EXAMINER<br>SMITH, SHEILA B |                  |
| Stanley R Moore<br>Jenkins & Gilchrist<br>Suite 3200<br>1445 Ross Avenue<br>Dallas, TX 75202-2799 |             |                      | ART UNIT                    | PAPER NUMBER     |
|   |             |                      | 2681                        |                  |
| DATE MAILED: 03/23/2005   |             |                      |                             |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/743,668

Applicant(s)

BRISTOW, ROBERT OWEN

Examiner

Sheila B. Smith

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 11/1/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10,13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15 is/are allowed.
- 6) ☐ Claim(s) 10 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 10,13, rejected under 35 U.S.C. 103(a) as being unpatentable over Barzegar et al. (U.S. Patent Number 5,257,397) in view of Helferich (U.S. Patent Number 6,233,430).

***Regarding claims 10,*** Barzegar et al. discloses essentially all the claimed invention as set forth in the instant application, further Barzegar et al. discloses a mobile data telephone. In addition Barzegar et al. discloses a communications device comprising: a first transceiver (101) for communicating over a first communication network; a second transceiver (103) for communicating with a remote unit (102); means for detecting signal strengths of potentially interfering signals (which reads on 114); and means for providing an alert signal (111) if the detected signal strengths of potentially interfering signals exceed a predetermined threshold (which reads on column 5 lines 30-37). However, Barzegar et al. fails to specifically disclose a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal.

In the same field of endeavor, Helferich discloses a paging transceivers and methods for selectively retrieving messages. Additionally, Helferich discloses a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as disclosed in column 1 lines 30-35.

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Barzegar et al. with a means for storing an audible message; and means for playing back the stored audible message in response to a received alert signal as taught by Helferich for the purpose of playing or displaying messages while efficiently using memory.

***Regarding claim 13***, Barzegar et al. discloses everything claimed as applied above (see claim 1), in addition Barzegar et al. discloses a communications device comprising, communications device and a remote unit, the communications device comprising: a first transceiver (101) for communicating over a first communication network; a second transceiver (103) for communicating with the remote unit (102); means for detecting signal strengths of potentially interfering signals (which reads on 114); and means for providing an alert signal (111) if the detected signal strengths exceed a predetermined threshold (which reads on column 5 lines 30-37); and means for transmitting the alert signal to the remote unit (102) (which reads on control bus). However, Barzegar et al. fails to specifically disclose the remote unit comprises means for displaying a visual message in response to a received alert signal.

In the same field of endeavor, Helferich discloses a paging transceivers and methods for selectively retrieving messages. Additionally, Helferich discloses the remote unit comprises means for displaying a visual message in response to a received alert signal as disclosed in column 1 lines 30-35.

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Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to modify Barzegar et al. with the remote unit comprises means for displaying a visual message in response to a received alert signal as taught by Helferich for the purpose of playing or displaying messages while efficiently using memory.

***Response to Arguments***


2. Applicant's arguments with respect to claims 10,13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. Smith   
March 21, 2005

